

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

United States of America,

Case No. 2:23-cr-0221-JAD-DJA

Plaintiff

John Anthony Miller,

Defendant

Order Granting Motions to Seal and for Competency Hearing

ECF Nos. 48, 49

Defendant John Anthony Miller is charged with one count of threatening a federal
1 and two counts of influencing, impeding, or retaliating against a federal official by
en a family member.¹ Citing serious concerns about Miller's mental health and
ng the basis for those concerns, his counsel moves for a psychiatric or psychological
tion of Miller under 18 U.S.C. § 4241(b) and asks the court to set a hearing to determine
mptency under 18 U.S.C. § 4241(a).² The government does not oppose the request.³

18 U.S.C. § 4241(a) provides that a court “shall grant” a motion for a hearing to determine the mental competency of the defendant “if there is reasonable cause to believe that the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense.” The statute authorizes the court to “order that a psychiatric or psychological examination of the defendant be conducted and that a

¹ ECF No. 25

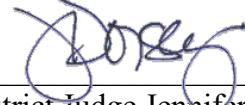
23 | ² ECF No. 49.

³ ECF No. 51.

1 psychiatric or psychological report be filed with the court" before that hearing to aid the court in
2 its determination.⁴ Because I find that defense counsel has shown reasonable cause to believe
3 that Mr. Miller is suffering from a mental disease or defect rendering him mentally incompetent
4 to assist in his defense, I grant the motion and will order a psychiatric or psychological
5 evaluation to be conducted under 18 U.S.C. § 4241(b). Once the report is available, the court
6 will set a competency hearing.

7 IT IS THEREFORE ORDERED that the Motion for Competency Hearing [ECF No. 49]
8 is GRANTED. The parties are directed to meet and confer and file by 5/31/24 a joint
9 proposed order directing the psychiatric or psychological evaluation to be performed by the
10 Bureau of Prisons.

11 And because defense counsel has demonstrated good cause to seal the motion for
12 competency hearing as it contains private information and attorney-client communications that
13 should not be publicly accessible, IT IS FURTHER ORDERED that the motion to seal that
14 motion [ECF No. 48] is GRANTED. The Clerk of Court is directed to MAINTAIN THE
15 SEAL on ECF No. 49.

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18 U.S. District Judge Jennifer A. Dorsey
19 May 22, 2024

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⁴ 18 U.S.C. § 4241(b).